mpt

IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4647 of 2007

The Managing Director, Miraj Urban
Co-op. Bank Ltd. .. Petitioner

versus

The Reserve Bank of India & ors. .. Respondents

...

Mr.Umesh Mankapure for the petitioner.

Mr.Kunal Damale with Athe respondent.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 31st October 2007

P.C.:

1. By this petition, the petitioner challenges the order dated 10th May 2007 passed by Consumer Disputes Redressal Forum at Sangli. By that order, the District Consumer Redressal Forum, Sanglidirected issuance of bailable warrant of Rs.5,000/- against the authorised signatory of the petitioner bank

2. Learned counsel for the petitioner submitted that Reserve Bank of India has issued a direction under section 35-A of the Banking Regulation Act not to make any payment to account holders. In the circumstances, the petitioner Bank could not have made the payment of the amount ordered by the District Consumer Forum. Therefore, the District Consumer Forum was not right in passing the order for issuance of a warrant for non payment of the money as per its order.

3. Without going into the merits as to whether the District Consumer Forum could have passed an order for payment of money in view of the moratorium u/s.35 of the Banking Regulation Act, we are of the view that the petitioner has an alternative efficacious remedy available against the order of District Consumer Forum. Section 15 of the Consumer Protection Act specifically provides for an appeal to the State Consumer Commission against the order passed by a District Forum. Orders of State Commission are revisable by the National Consumer Commission. Thus, there is a complete remedy available to the petitioner before a chain of Tribunals, under the Consumers Protection Act, 1986.

4. We also notice that the petitioner had

previously approached this court by filing Writ Petition no.643 of 2007 regarding the very dispute. By an order dated 13th March 2007, the petitioner was permitted to file Review Application before the District Consumer Forum. It was also permitted to make an application to the RBI in view of the order of the District Consumer Forum. This court however declined to grant any other relief to the petitioner. In our view, it would not be appropriate to entertain this Writ Petition in view of adequate and efficacious remedy available to the petitioner under the Consumer Protection Act itself.

5. In the circumstances, we find no merit in the Writ Petition which is hereby rejected summarily.

(D.G. KARNIK, J) (S.B. MHASE, J)